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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,658	10/24/2003	Jean-Francois Garin	71247-0014	6349
22902	7590	10/10/2008		
CLARK & BRODY 1090 VERMONT AVENUE, NW SUITE 250 WASHINGTON, DC 20005			EXAMINER STRIMBU, GREGORY J	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 10/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,658

Applicant(s)

GARIN ET AL.

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

Claims 1, 4, 5, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "the door and door combination" on lines 4-5 of claim 1 render the claims indefinite because it is unclear whether or not the applicant is referring to the door and door chassis combination set forth above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasnock et al. (US 6715311) in view of Ueno et al. (US 6338536). Wasnock et al. discloses a housing 24 and a door and door chassis combination, the housing and the door chassis combination forming an interior space, the interior space accessible using the door and door chassis combination, the door and door chassis combination further comprising first 30 and second 32 mobile panels with the door chassis (not numbered, but comprising a portion of the housing 24) delimiting an opening (not numbered, but shown in figure 2), the door chassis equipped with guide means 118 for the movement of the first and second mobile panels between a closed

position as shown in figure 1 in which a facade of the mobile panels at least partly closes the opening and an open position as shown in figure 2 in which the mobile panels are located laterally with respect to the opening, wherein one of the first 30 and second mobile panels includes a façade (not numbered, but shown in figure 1 having the handle 34 mounted thereto) which is accessible when the mobile panels are in the closed position as shown in figure 1, and a means 102, 118, 132 for displacing the mobile panels assuring that when the mobile panels are in the open position as shown in figure 2, the facade of the panel 30 is positioned so that an operator in position in front of the opening in the door chassis can access the opening and the facade at the same time, wherein the displacement means comprises at least one support 132 and guide rail 118 for at least one roller device 102 fitted on the first mobile panel hinged to the second mobile panel, the second mobile panel hinged on the chassis, the first and second mobile panels being intended to fold in contact with each other, and when folded, the door chassis opening is accessible;

wherein the door and door chassis combination further comprises means 102, 118, 132 for sliding and pivoting the first 30 and second 32 mobile panel thus ensuring that the mobile panel facade is facing the opening when the first and second mobile panels are in the open position;

wherein the door and door chassis combination enables the facade of the mobile panel to move into a plane forming an angle with the plane delimited by the opening equal to between 40° and 135 as shown in figure 2;

wherein the support and guide rail is an upper rail 118 arranged in a top part of the door chassis and the door chassis further comprising a guide rail 148 as a lower rail arranged in a lower part of the door chassis, one of the upper rail 118 and lower rail supporting the at least one roller device 102 with the other of the upper rail and lower rail 148 supporting a guide device 138 fitted on the first mobile panel 30;

wherein the first mobile panel 30 further comprises a housing (not numbered, but shown in figure 5) surrounded by side plates 50, 52, 54, a back plate 46 and the façade 44. Wasnock et al. is silent concerning a man-machine interface and arguably silent concerning an automated machine.

However, Ueno et al. discloses a chassis 1 and a mobile panel 2a enclosing an automated machine assembly (not shown, but comprising the evaporator coil and the fans for the individual compartments), a man-machine interface 7 mounted to the mobile panel 2a, a facade of the man-machine interface accessible when the mobile panel is in the closed position, the man-machine interface includes machine instrumentation, i.e., the display panels and control means, i.e., the operation switches. See column 5, lines 59-65.

It would have been obvious to one of ordinary skill in the art to provide Wasnock et al. with a man-machine interface and automated machine assembly, as taught by Ueno et al., to enable a user to monitor and control the temperature within the chassis and to provide the chassis with a self-contained cooling system.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wasnock et al. in view of Ueno et al. as applied to claims 1, 4, 12 and 13 above. Wasnock et al., as modified above, is silent concerning the façade of the mobile panel being positionable in a plane approximately perpendicular to the plane delimited by the opening.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to enable the panel to pivot into a plane approximately perpendicular to the plane delimited by the opening to increase the amount of the opening exposed for access to the chassis.

Response to Arguments

Applicant's arguments filed June 10, 2008 have been fully considered but they are not persuasive.

The applicant first argues that the components of the refrigeration system of the refrigerator of Ueno et al. are not contained in the space of the refrigerator. This is not persuasive since it is common sense, not to mention well known in the art, to at least place the evaporator coil and a fan inside the insulated space of the refrigerator cabinet. For example, see US 4239518 to Steelman, US 4144720 to Subera et al., US 3976122 to Neidhardt, US 3793847 to Scarlett et al., US 3712078 to Maynard et al., US Re.

27990 to Rivard et al., US 3125866 to Mann et al., US 3111818 to Dolan et al., US 3026688 to O'Connell, US 2944209 to Mann et al., US 2923135 to Preotle, US 2909910 to Saunders, US 2907180 to Mann, and US 2561279 to Hill which at least disclose an evaporator coil and a fan disposed within the housing of a refrigerator. It should be noted that the interior space of the refrigerator housing is the entire space that is defined by the housing of the refrigerator which can be occupied by walls, shelving, partitions, etc. The claims do not limit what can be contained within the space defined by the housing. It should also be pointed out that the claims do not require the entire space defined by the housing to be "accessible".

Second, the applicant argues that refrigerator components cannot be considered an automated machine assembly. This position is clearly untenable. Although the applicant can be his own lexicographer, the applicant has not specifically defined what he means by "automated machine". Rather the applicant merely gives some examples of what an automated machine can comprise such as a machine tool, a handling machine, a checking machine, etc. Even if the applicant were limited to the examples listed in the specification, a refrigerator can be considered a handling machine since it handles air during the refrigeration process. Additionally, a refrigerator is clearly automated since it automatically cycles on and off in order to maintain a specific temperature within the space defined by the housing.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634